

# Order

Michigan Supreme Court  
Lansing, Michigan

September 12, 2007

Clifford W. Taylor,  
Chief Justice

134019

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

FRANCA FERRARI,  
Plaintiff-Appellee,

v

SC: 134019  
COA: 273557  
WCAC: 05-000187

ARAMARK SERVICES MANAGEMENT OF  
MICHIGAN, INC., and BANKER'S STANDARD  
INSURANCE COMPANY,  
Defendants-Appellants.

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On order of the Court, the application for leave to appeal the April 18, 2007 order of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REVERSE the order of the Court of Appeals and REINSTATE the decision of the Workers' Compensation Appellate Commission (WCAC) affirming the magistrate's award of benefits for a closed period. The Court of Appeals erred in adopting the opinion of the WCAC dissenting commissioner where there was support in the record for the decision of the WCAC. *Mudel v Great Atlantic & Pacific Tea Co*, 462 Mich 691 (2000). We REMAND this case to the Court of Appeals to consider the plaintiff's application for leave to appeal on the issue of whether the defendants may recoup benefits they voluntarily paid.

We do not retain jurisdiction.

KELLY, J., would deny leave to appeal.



t0905

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 12, 2007

*Corbin R. Davis*

Clerk